THE HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No.21950 OF 2007

Dated: 19.11.2007

Between:

Dr. T. Pullanna ...
Petitioner

And

The Director of Health, A.P., Hyderabad
and others ...
Respondents

THE HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No.21950 of 2007

ORAL ORDER: **(per the HON'BLE SRI JUSTICE D.S.R.VARMA)**

Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader for Medical, Health and Family Welfare, appearing for the respondents.

2. This writ petition is filed seeking to issue a writ of Mandamus declaring the order, dated 28.09.2007, in O.A.No.5645 of 2007, passed by the A.P. Administrative Tribunal, at Hyderabad (for brevity "the Tribunal"), refusing to grant interim orders, as illegal and arbitrary.

3. The only grievance of the petitioner, in this writ petition, is that he was transferred from Kurnool Medical College, Kurnool Head Quarters to a rural area, which is about 150 kms., away from

the head quarters and where there are no adequate medical facilities.

4. The petitioner is allegedly a heart-patient and the place to which he was transferred does not have any medical facilities.

5. It is not in dispute that the main O.A., is still pending before the Tribunal for consideration.

6. It appears that the petitioner has made a representation to the competent authority to consider his case to transfer him to a place where there are adequate medical facilities in view of his ailment.

7. As a matter of fact, the interim order, passed by the Tribunal, is also to the same effect.

8. Therefore, we do not find any illegality or irregularity in the impugned order, passed by the Tribunal. It is always open for the petitioner to make a representation to the authority concerned to consider his case.

9. Even otherwise, the Courts are reluctant to interfere in the matters of transfer, as held by the apex Court, except in three conditions viz., (1). Prejudice, (2). no jurisdiction to the authority and (3). malafides. None of these conditions are present in the instant case. However, this shall not be understood as the opinion of this Court.

10. The Tribunal is directed to consider the representation, if any, made by the petitioner, keeping in view his health grounds, to the extent possible sympathetically, and dispose of the O.A., independently, uninfluenced by any of the observations made by this Court, in this Order.

11. With the above observations and directions, the writ petition is disposed of, at the stage of admission. However, there shall be no order as to costs.

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JUSTICE D.S.R.VARMA

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JUSTICE K.C.BHANU

19TH NOVEMBER 2007

DR